

REMARKS/ARGUMENTS

Claims 1-87 were pending in the present application. Claims 1-87 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-86 of U.S. Patent No. 6,459,259 ("the '259 patent"), which is the parent case of the present application and is commonly owned therewith. In this response, no claims have been cancelled, amended, or added. Accordingly, claims 1-87 are currently under consideration.

Enclosed herewith is a terminal disclaimer that overcomes the above rejection. Accordingly, Applicant respectfully requests withdrawal of the above rejection.

The enclosed terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits, if any, of the rejection. Thus, the terminal disclaimer is not an admission, acquiescence or estoppel on the merits, if any, of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870; MPEP 804.02(II).

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 333772000101. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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